

**PUBLIC MATTER
FILED**

JUN 03 2013

**STATE BAR COURT CLERK'S OFFICE
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:)	Case No. 12-O-14411
LARRY ALVIN DONALDSON,)	NOTICE OF DISCIPLINARY CHARGES
No. 65658,)	
)	
<u>A Member of the State Bar</u>)	

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:



1 of the period covered by the accounting, information regarding the trustee's compensation, and
2 information regarding the agents hired by the trustee, their relationship to the trustee, if any, and
3 their compensation.

4 9. Respondent did not provide annual accountings as defined by Probate Code section
5 16063 to Laura or Timothy.

6 10. By not providing annual accountings as defined by Probate Code section 16063 to the
7 beneficiaries, in violation of Probate Code section 16062, Respondent failed to support the laws
8 of this state in violation of Business and Professions Code section 6068(a).

9
10 COUNT TWO

11 Case No. 12-O-14411
12 Business and Professions Code, section 6068(a)
[Failure to Comply With Laws]

13 11. Respondent wilfully violated Business and Professions Code, section 6068(a), by
14 failing to support the Constitution and laws of the United States and of this state, as follows:

15 12. The allegations of Count One are incorporated by reference.

16 13. Sometime prior to on or about May 2, 2007, Respondent drafted Wallace's will which
17 nominated Respondent as executor and directed that upon Wallace's death all property to be
18 disposed of under the will be added to the trust and distributed in accordance with the provisions
19 of the trust.

20 14. On or about March 24, 2008, Respondent filed a petition to probate Wallace's May
21 10, 2007 will and for letters testamentary in *Estate of Paul Harvey Wallace*, Fresno Superior
22 Court case number 08CEPR00294 ("the estate"). On or about May 6, 2008, Respondent filed an
23 amended petition.

24 15. On or about May 27, 2008, Respondent was appointed executor, a personal
25 representative. No bond was required.

26 16. On or about June 18, 2008, the letters testamentary were issued.
27
28

1 17. California Probate Code section 8800 provides that a personal representative shall file
2 an inventory of property to be administered in a decedent's estate together with an appraisal of
3 property within four months after letters are issued.

4 18. To date, Respondent has not filed an inventory and appraisal.

5 19. By not filing an inventory and appraisal within the first four months after letters were
6 issued in violation of Probate Code section 8800, Respondent failed to support the laws of this
7 state in violation of Business and Professions Code section 6068(a).

8 COUNT THREE

9 Case No. 12-O-14411
10 Business and Professions Code, section 6106
11 [Moral Turpitude]

12 20. Respondent wilfully violated Business and Professions Code, section 6106, by
13 committing an act involving moral turpitude, dishonesty or corruption, as follows:

14 21. The allegations of Counts One and Two are incorporated by reference.

15 22. By not providing full and accurate accountings to the beneficiaries from 2008 to date,
16 and by not filing with the probate court an inventory and appraisal, accounting or petition for
17 distribution, respondent mishandled his fiduciary responsibilities as trustee and executor
18 amounting to an act involving moral turpitude, dishonesty or corruption in violation of Business
19 and Professions Code section 6106.

20 NOTICE - INACTIVE ENROLLMENT!

21 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
22 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
23 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
24 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
25 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
26 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
27 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
28 **RECOMMENDED BY THE COURT.**

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING

1 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
2 **PROFESSIONS CODE SECTION 6086.10.**

3 Respectfully submitted,

4 THE STATE BAR OF CALIFORNIA
5 OFFICE OF THE CHIEF TRIAL COUNSEL

6
7 DATED: June 3, 2013

8 By: Sherrie B. McLetchie
9 Sherrie B. McLetchie
10 Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL AND U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 12-O-14411

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 7196 9008 9111 6623 0906 at San Francisco, addressed to: (see below)



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Larry A. Donaldson	Larry A. Donaldson Larry A Donaldson Attorney at Law 6091 N Poplar Unit G Fresno, CA 93704	Electronic Address	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

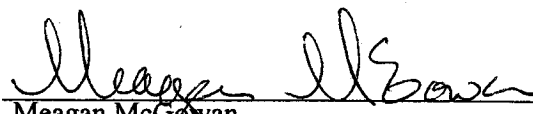
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: June 3, 2013

SIGNED:


Meagan McGowan
Declarant